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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/540,884	06/27/2005	Shuichi Fukutani	OGW-0370	1745

23353 7590 03/16/2007  
RADER FISHMAN & GRAUER PLLC  
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WASHINGTON, DC 20036

EXAMINER
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JOHNSTONE, ADRIENNE C

ART UNIT	PAPER NUMBER
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1733

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/16/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/540,884

Applicant(s)

FUKUTANI ET AL.

Examiner

Adrienne C. Johnstone

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1733

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) 6-9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>20050627</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Election/Restrictions*

1. Applicant's election without traverse of Group I, claims 1-5 in the reply filed on December 27, 2006 is acknowledged.

2. Claims 6-9 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on December 27, 2006.

### *Priority*

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### *Specification*

4. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

### *Claim Rejections - 35 USC § 102*

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-3 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Japanese Patent Application 62-238104 A or, alternatively, Japanese Patent Application 63-96338 A or 63-116904 A or 10-217716 A or 10-258609 A or 11-21777 A.

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See JP '104 abstract, Figures 1a and 1b; alternatively, see JP '338 abstract and Figure 2 or JP '904 abstract and Figure 1a or JP '716 abstract, Figures 10, 11a, and 11b, and translation paragraphs 0005-0040 or JP '609 abstract, Figures 1a, 1b, 10, and 11, and translation paragraphs 0006-0027 or JP '777 abstract, figures, translation paragraphs 0005-0023.

7. Claims 1-3 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Nehr (988,490) or, alternatively, Bachmann et al. (1,075,320) or Adams (1,897,411).

See Nehr embodiment of Figures 1-4 or, alternatively, Bachmann et al. embodiment of Figures 2 and 5 or Adams Figures 3 and 4 and p. 2 lines 98-105: these references are applied to illustrate that the phrase "for rubber" in the instant claims is merely intended use.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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10. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent Application 62-238104 A in view of Sidles et al. (3,455,100) or, alternatively, Japanese Patent Application 63-96338 A in view of Sidles et al. (3,455,100) or Japanese Patent Application 63-116904 A in view of Sidles et al. (3,455,100) or Japanese Patent Application 10-217716 A in view of Sidles et al. (3,455,100) or Japanese Patent Application 10-258609 A in view of Sidles et al. (3,455,100) or Japanese Patent Application 11-21777 A in view of Sidles et al. (3,455,100).

See paragraph 6 above: Sidles et al. teach to allow for expansion of tire reinforcement during the tire manufacturing process by providing the reinforcement with a low stress elongation of 5-150% and preferably 30-80%, with exemplary values at 10 N (about 2 lbf) of about 46% and about 48% (col. 1 line 23 - col. 5 line 69 and Table); it would therefore have been obvious to one of ordinary skill in the art to provide the above tire reinforcement material with the low stress elongation taught by Sidles et al. in order to allow for expansion of tire reinforcement during the tire manufacturing process.

### *Conclusion*

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Respass (1,365,061), Frazier (3,288,194), Frazier (3,294,143), and Schroeder (3,675,702) anticipate or render obvious at least claims 1 and 5 but are considered to be no more pertinent to the instant claims than the prior art already applied by the examiner.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adrienne C. Johnstone whose telephone number is (571) 272-1218. The examiner can normally be reached on Monday-Friday, 10:30AM-7:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571) 272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Adrienne C. Johnstone  
Primary Examiner  
Art Unit 1733

A handwritten signature in black ink, appearing to read 'Adrienne C. Johnstone', written in a cursive style.

Adrienne Johnstone

March 13, 2007